

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ADRIAN ROSALES	§	
VS.	§	CIVIL ACTION NO. 1:13cv441
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT	§	

MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner Adrian Rosales, an inmate formerly confined at the Stiles Unit, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the petition be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. Petitioner filed objections to the Magistrate Judge’s Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes petitioner’s objections are without merit. As the magistrate judge determined, petitioner has failed to state a claim upon which relief may be granted with respect to his claims regarding the detainer placed against him by the Bureau of Immigration and Customs Enforcement. Further, petitioner’s claims related to the conditions of his confinement do not contest the fact or duration of his confinement and cannot serve as a basis for habeas corpus relief.

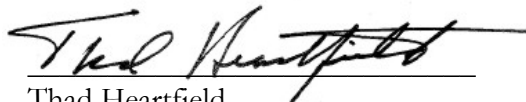
While petitioner did not seek monetary damages in this action, his claims concerning the conditions of confinement could be liberally construed as seeking declaratory and injunctive relief. Since filing this petition, however, petitioner has notified the court he is no longer confined at the Stiles Unit. Petitioner’s transfer from the Stiles Unit to the Smith County jail rendered any potential

claims for declaratory and injunctive relief moot. *See Herman*, 238 F.3d at 665; *Cooper v. Sheriff, Lubbock County, Tex.*, 929 F.2d 1078, 1084 (5th Cir. 1991). Accordingly, plaintiff's claims for declaratory and injunctive relief should be dismissed.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the 7 day of **December, 2015**.



Thad Heartfield
United States District Judge